IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 15911 of 2007(T)

PETITIONER:

M/S.PERUNADU PLANTATIONS LTD.,
BHUDHANIKKUNNEL HOUSE, POLICE STATION ROAD,
PATHANAMTHITTA REPRESENTED BY ITS DIRECTOR
REJI ABRAHAM, REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER, SHAJI ANTONY, PARAMBIL HOUSE, PERUNAD
PLANTATIONS LTD.,POLICE STATION ROAD,PATHANAMTHITT

BY ADV. SRI.JACOB P.ALEX

RESPONDENTS:
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1. PATHANAMTHITTA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPALITY
OFFICE, PATHANAMTHITTA.

2. SECRETARY, PATHANAMTHITTA MUNICIPALITY,
MUNICIPALITY OFFICE, PATHANAMTHITTA.

BY ADV.SRI.V.K.SUNIL, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE PLAN SHOWING THE ACQUIRED AND REMAINING LAND.**
EXT.P2	**TRUE COPY OF THE JUDGMENT IN W.A.NO.1586/03**
EXT.P3	**TRUE COPY OF THE NOTICE DTD. 23-5-07**
EXT.P4	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ON 23-05-2007**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.15911 OF 2007

Dated this the 28th day of May, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is a company registered under the Indian Companies Act. Petitioner is the title holder in possession of 144.25 cents of land. There was a proposal by the first respondent to acquire a small portion of 24 square meters of land from the said property for the construction of Ring Road. Accordingly a resolution was passed for acquiring 24 Square Meters of land. But by mistake in the notification, 1.8 ares of land was notified as the extent of land required. Despite objection from the petitioner, final award was passed under the Act, whereby 1.8 acres of land was acquired by the LA authorities, it is stated. Petitioner approached this court and by Ext.P2 judgment this court directed respondents 1 to 3 to re-deliver the land which was acquired from the property in

Sry.No.259/01 which is in excess of the purpose for which it is acquired and revised award be passed by the Collector. By Ext.P3 petitioner has been called upon to remove the illegal construction made by committing tress pass from the property acquired for the purpose of the ring road. According to the petitioner, 1.56 Acres of land is paved with interlocking cement blocks by the petitioner for the convenience of general public visiting Aban Arcade. Petitioner has preferred Ext.P4.

I heard learned counsel for the petitioner and the learned counsel appearing for the respondents.

Learned counsel for the respondents submits that on receipt of Ext.P4, the Municipality has requested the task force constituted to re-survey the land. It is further submitted that the Municipality will not demolish any portion of the property which was directed to be re-delivered vide Ext.P2 judgment. He would of course submits that after resurvey is conducted, if petitioner is found to be in possession of any land in excess of the land directed to be

redelivered as per Ext.P2, the Municipality will proceed against the petitioner in accordance with law. In the light of these submissions, I think that the grievance of the petitioner stands redressed. The writ petition is disposed of recording the submissions of the learned counsel for the respondents.

K.M.JOSEPH
JUDGE

sv.